

## **REMARKS**

### **Claim Status:**

Claims 1-40, 42, 43 and 46-59 are pending in the application. Claims 1, 10, 13, 25, 27, 30, 32, 34, 34, 37, 39, 42, 43, 47, 49 and 51 are amended without prejudice. And claims 41, 44, and 45 are canceled without prejudice to the subject matter recited therein.

Claim 39 is amended in independent form and generally recites the features of claim 30 (not claim 25).

Dependent claims 53-59 are newly presented.

### **Art-based Rejections:**

Claims 25-27, 29-32, 34, 36, 38-45, 47, 48 are rejected as being anticipated by US Patent No. 5,619,501 (“Tamer”). Claims 49-51 are rejected as being anticipated by U.S. Patent No. 5,745,569 (“Moskowitz”). Claims 1-24 are rejected as being unpatentable over Moskowitz in view of Tamer. Claims 28, 33 and 46 are rejected as being unpatentable over Tamer. Claims 35 and 37 are rejected as being unpatentable over Tamer in view of Moskowitz. Claim 52 is rejected as being unpatentable over Moskowitz.

We respectfully traverse these rejections.

### *Claim 25 in view of Tamer*

Claim 25 recites a method for utilizing a title signal contained in digital data through a comparison of the title signal to a player signal stored in, or available from, a personal computing device. The method recites – in combination with other features – that the *player signal expires after a predetermined time such that it is no longer useful for comparison to the title signal.*

The above-italicized features loosely correspond to those previously recited in now canceled claim 41. The Office Action relied on Tamer at Col. 5, lines 15-32 for these features. See the Office Action, page 5, paragraph 16.

We respectfully disagree with the Office Action’s analysis.

For example, the cited passage discusses periodically changing codes. However, the cited passage says nothing of a player signal expiring after a predetermined time such that it is no longer useful for comparison to the title signal.

Claim 25 should be allowed over Tamer since it does not have each and every recited feature.

*Claim 39 in view of Tamer*

Claim 39 recites a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computing device. The method recites – in combination with other features – detecting the title signal in the computer readable set of instructions, in which the personal computing device comprises a software operating system for launching the application program, *and in which the act of detecting is performed by the software operating system operating on a multi-purpose electronic processor.*

The Office Action relied on Tamer at Col. 3, lines 37-67 for these features. See the Office Action, page 5, paragraph 14.

We respectfully disagree with the Office Action’s analysis.

For example, the cited Tamer passage is not understood to implement an act of detecting a title signal *with a software operating system operating on a multi-purpose electronic processor.* Instead, it appears that a matched filter or decoder 30 provides the detection. See, e.g., Tamer at Col. 5, lines 18-21.

Claim 39 should be allowed over Tamer since it does not have each and every recited feature as arranged in the claim.

*Claim 43 in view of Tamer*

Claim 43 recites a method for utilizing a title signal contained in digital data to be input into a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a computing device, in which the computing device comprises a multi-purpose electronic processor. The method recites an act of – in combination with other features – performing an action based upon the

comparison of the title signal to the player signal, *in which the action comprises at least informing a computing device user of the comparison or a consequence of the comparison.*

The above-italicized features loosely correspond to those previously recited in now canceled claim 45. The Office Action relied on Tamer at Col. 3, lines 56-67 for these features. See the Office Action, pages 6-7, paragraph 20.

We respectfully disagree with the Office Action's analysis. The relied upon Tamer passage is reproduced below for the Office's convenience:

*The microprocessor waits for a programming command from the user via an interface 20, which is shown as a computer keyboard, but which may be a conventional remote control, or receiver front panel switches. The user may request to view a program provided on channel 4 (in the vernacular of analog TV systems). The microprocessor 19 is programmed to scan the program guide list that was loaded in the memory 18 for the respective SCID's of the channel 4 program components, and to lead these SCID's in respective other ones of the programmable registers of the bank of registers 13 which are associated with corresponding component signal processing paths.*

While this passage may discuss a user entering commands, e.g., via a keyboard or switches, it says nothing of informing the computer user.

Claim 43 should be allowed over Tamer since it does not have each and every recited feature as arranged in the claim.

#### *Claim 30 in view of Tamer*

Claim 30 recites, e.g., a method for utilizing a title signal contained in a computer readable set of instructions through a comparison of the title signal to a player signal stored in, or available from, a personal computing device. The method includes comparing the title signal to the player signal, and performing an action based upon the comparison, in which the action comprises at least informing a computing device user of the comparison or a consequence of the comparison.

Claim 30 should be allowed for reasons that analogous to those discussed above with respect to claim 43.

*Claim 49 in view of Moskowitz*

Claim 49 recites – in combination with other features – decrypting an encrypted title signal using the player signal as the private key.

The Office cites Moskowitz at Col. 6, lines 29-31 for these features. See the Office Action, page 7, lines 7-9 of paragraph 24.

That passage, however, uses a license code (which the Office Action apparently equates to the player signal) to generate a decoding key.

In contrast, claim 49 uses the player signal as the private key.

Other deficiencies need not be belabored at this time. (For example, we disagree with the analysis regarding the recited act of determining.)

Claim 49 should be allowed over Moskowitz since Moskowitz does not have each and every feature as arranged in the claim.

*Claim 1 in view of Moskowitz and Tamer*

Claim 1 recites – in combination with other features – detecting, at a player device, a title signal in the digital data, and comparing the title signal to a player signal stored in the player device.

There are significant differences between the applied prior art documents – Moskowitz and Tamer – themselves. Indeed, the Moskowitz patent and the Tamer patent are incompatible; that is, there does not appear to be sufficient “interrelated teachings of multiple patents” to support the proposed combination. Lacking sufficient interrelated teachings cuts against a finding of obviousness. See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) (“Often, it will be necessary for a court to look to interrelated teachings of multiple patents... all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.”).

For example, Moskowitz does not make any comparison between signals. Instead, Moskowitz merely determines whether a watermark has been erased. See Moskowitz, Col. 7, 17-21. In contrast, Tamer uses a filter 30 to compare codes with incoming signals.

Thus, we respectfully submit that there is not a sufficient reason to combine the documents in the manner suggested.

Other deficiencies of the applied art need not be belabored at this time.

We request that claim 1 be allowed over Moskowitz and Tamer.

*Claims 13, 16 and 22 in view of Moskowitz and Tamer*

Claim 13 recites that the title signal is encoded with the digital watermarking in a time varying manner. The cited Moskowitz passage (Col. 8, lines 3-10) does not appear to be dealing with watermark encoding. Rather, it seems to be dealing with shuffling memory. Claim 13 should be allowed.

Claim 16 recites that an imperfect or approximate match between the title signal and player signal is permitted in order to perform the action. The cited Moskowitz passage (Col. 4, lines 29-35; see the Office Action, page 13, paragraph 44) deals with data objects, not imperfect or approximate matching. Claim 16 should be allowed.

Claim 22 recites that the acts of detecting, comparing and performing are performed after the act of storing is completed. As discussed above with respect to claim 1, Moskowitz does not offer a comparison. Hence, citation to Moskowitz at Col. 6, lines 32-37 and Col. 7, lines 1-21, is not helpful. Claim 22 should be allowed.

*Remaining Claims*

We respectfully submit reconsideration of the remaining claims.

Conclusion:

We respectfully request a Notice of Allowance. In the meantime, the Examiner is invited to contact the undersigned with any questions.

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Respectfully submitted,

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